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**SPEECH OF**  
**HON. S. W. INGERS**, of Alabama.  
IN HOUSE OF REPRESENTATIVES, FEBRUARY 12, 1850.  
MR. INGERS obtained the floor, and said:  
I propose to discuss the policy of the Administration in reference to the Territories of New Mexico and California, the constitutional rights of the South therein, and the probable consequences of their violation.  
Announced by the history of this Government, which is a narrative of aggressions by the North upon the South—of faith broken and compromises disregarded in the onward career of power—I do not feel that it is incumbent upon a Southern Representative to offer any measure for the adjustment of existing difficulties. I have no more peace-offerings to lay at the feet of power, to be indignantly spurned. If a returning sense of justice should at any time actuate the majority to propose a settlement consistent with our rights and honor, they cannot doubt its ready acceptance. Until that time, the appropriate discharge of my duty will lead me to expose the devices of fraud, to resist the assaults of power, and to defend the South, by whomsoever assailed.  
The message of the Executive distinctly announces the policy of the Administration. This policy has been adopted after the most thorough investigation, and is presented to us as the final result of long and anxious reflection. Coming from the highest functionary known to the Constitution of the country, it claims for this House a candid and dispassionate consideration. The influence of an executive recommendation is usually all powerful; like the whistle of Rhodrie Dhu, it rallies a whole clan to its support. But, in the present case, ominous signs of discord are already apparent on the other side of the House; and it seems that the present Executive is doomed to the fate of the unfortunate Adams, who was torn to pieces by his own hands. Whatever may be the fate of his author, however, or the views of members in regard to the details of the policy suggested, a majority of this House will concur in its most important recommendation.  
This message changes the aspect of a sectional question; it supersedes an old issue and presents a new one. The "Wilmot Proviso" is no longer the question of the day; it has given place to the "California Proviso," which is presented to this House and the country with the unequalled endorsement of the Executive. It is important that the people interested should be advised of this change and the motives which prompted it. The open defiance of the South to the "Wilmot Proviso," and the sternly expressed determination to resist "at all hazards and to the last extremity," have awakened the Union-loving propensities of this administration and its Northern supporters. The representatives of the North, with the exception of a few "distinctive Free-Soilers," are willing to abandon what have already abandoned—the "Wilmot Proviso," and all are coming, in unbroken phalanx, to the support of the Executive recommendation; believing that South will resist the Wilmot Proviso, with characteristic discretion they recede. On the other hand, the South are not committed against the present administration of California as a State, and it is believed that, with the whole power of this Administration exerted in its favor, and by an invocation to the party prejudices of our people, the Administration party every where will support that measure; and thus, by a division of our strength, (which was irresistible, when united against the Wilmot Proviso,) the South will be powerless, and submission to the California proviso inevitable. I am for the union of the South, in support of the Constitution and of the rights which descended to us by inheritance; but there is only one basis of union for Southern men—opposition to the declared policy of the present Administration, which seeks to build up an imperishable power on the ruins of the Constitution of the South.  
No argument is necessary to show the identity of these two measures. The Wilmot Proviso excludes the citizens of the South with their property from emigrating to the Territories of the Union, and appropriates the common property of the several sovereigns composing the Union to the exclusive use and occupation of the people of the non-slaveholding States, and is enacted by Congress primarily. The California Proviso is the same thing, literally, and in substance, incorporated into a so-called constitution, and Congress is recommended, by the present administration of California, to enact it accordingly. The message clearly assumes that the people of the slaveholding States have no rights in these Territories, and recommends the latter measure, from obvious reasons of political expediency, as the preferable mode of exclusion. In the opinion of the Administration, the question now is, not whether the South shall be excluded, but in what manner it shall be done. I must be permitted to decline the discussion of a false issue; to insist upon my right to be heard upon the merits of this question, and to protest, in the name of the Southern people, against this prejudgment of their claims.  
The origin of this policy may be seen in the movements of General Riley early in the preceding year. His first act was the issuance of a proclamation declaring the Mexican law to be in force; laying off the country into districts, and calling upon the transient adventurers who had been lured thither to elect delegates, to assemble in convention for the formation of a constitution, preparatory to its admission as a State, into the Union. But Riley is a plain, blunt old soldier, more competent to the work of demolishing than of organizing communities; and none know better than the present Executive that military and civic greatness are not always inseparable. To consummate the designs of the cabinet, *secundum artem*, Mr. King, then a member of Congress elect from Georgia, was instructed to follow General Riley. The message informs us that—  
"With a view to the faithful execution of the treaty, so far as lay in the power of the Executive, and to enable Congress to act at the present

season with as full knowledge and as little difficulty as possible on all matters of interest in these Territories, I sent the Hon. Thomas Butler King as bearer of despatches to California, and certain officers to California and New Mexico, whose duties are particularly defined in the accompanying letter of instructions addressed to them severally by the proper department."  
The accompanying letter of Mr. Crawford states:  
"You are fully possessed of the President's views, and can with propriety suggest to the people of California the adoption of measures best calculated to give them effect."  
If any doubt exist that the initiatory proceedings of Riley were approved by the Cabinet, or that he only did what King was authorized to do by the *carte blanche* of Mr. Clayton, I need only refer to the extracts read by the gentleman from Virginia, (Mr. Seddon)—the first from the commander of the Pacific station, as follows:  
"The steamer Edith has been sent to Mazatlan for the necessary intelligence, and, on her arrival with information that no other than a revenue law had been passed, General Riley issued a proclamation for the election to avoid any delay in the judicial officers under the existing laws, and recommending, at the same time, the election of delegates to a convention to form a State Constitution. Mr. King arrived at the time these proceedings were about being issued, and it was matter of great congratulation that the Government, by anticipation, had approved of the latter measure. Every means will be used to give the people of California an opportunity of expressing their wishes on this point, and of not bringing the matter to a happy conclusion."  
The second from a dispatch of the Secretary of War to General Riley, dated August 24, 1849:  
"WAR DEPARTMENT, August 24, 1849.  
"In view of the exercise of the most important political right which appertains to the people of California—that of forming a constitution and asking admission into the Union of these States—this Department has watched with great care and solicitude the steps already taken to effect these objects. Regarding your proclamation of the 3d June last as a notice intended in part to render popular action uniform in respect to the desired organization into a more perfect government, it is seen, with great satisfaction, that your proposition has been accepted with great cheerfulness and alacrity, except in few instances, where it is supposed selfish and unpatriotic motives prevailed."  
"GEO. W. CRAWFORD,  
Secretary of War."  
But, as more conclusive than all else, I refer to the following extract from the proclamation itself:  
"The method here indicated to attain what is deemed by all, a more perfect political organization, is deemed the most direct and safe that can be adopted, and one fully authorized by law. It is the course advised by the President and by the Secretary of State and War of the United States, which must necessarily result from any attempt at illegal legislation. It is therefore hoped that it will meet the approbation of the people of California, and that the citizens will unite in carrying it into execution."  
"Given at Monterey, California, this 3d day of June, A. D. 1849. B. RILEY,  
"Bt. Brig. Gen. U.S.A., and Gov. of California."  
"Official: H. W. HALLOCK,  
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We have strong reasons to believe that the "proviso" incorporated into this constitution was approved by Mr. King, who was understood to speak by authority of the Administration in support of its views, and who could "with propriety suggest to the people of California the adoption of the measures best calculated to give them effect."  
But this is of little importance in measuring the responsibility of the Cabinet. The Constitution of California has been published by the press of the country, and is accessible to all. The Cabinet have duly considered its provisions. They know that a few thousand transient adventurers, allured by the *auri sacra fames*, from every quarter of the globe, to the shores of San Francisco and Sacramento, have, without the authority of Congress, elected delegates to a convention, which convention has defined the limits of a State, extending through ten degrees of latitude on the Pacific, with an area sufficient for half a dozen States of the first magnitude, and embracing all that is valuable for mining, commercial, or agricultural purposes within the Territory of California. And after an assertion of sovereignty over this national acquisition—less justifiable than the decrees of Cortes in the palace of Montezuma, or the legislation of Pizarro upon the fallen throne of the Incas—the convention adopted a fundamental clause, forever excluding the people of the South from its occupancy. With a full knowledge of the adoption of the slavery restriction on the Constitution of California, the President "earnestly recommends that it may receive the sanction of Congress."  
The message argues in support of the restriction as follows:  
"In advising an early application by the people of these territories for admission as States, I was actuated principally by an earnest desire to afford to the wisdom and patriotism of Congress the opportunity of expressing their views on the subject, and to prevent the possibility of any angry dissensions among the people of the United States."  
"Under the Constitution every State has the right of establishing, and from time to time altering, its municipal laws and domestic institutions, subject only to the prohibitions and guarantees expressly set forth in the Constitution of the United States."  
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When the people of California, after a suitable period of territorial tutelage, and in pursuance of an act of Congress, assemble in convention to adopt a constitution, they will possess the power, "under the general principles of the Constitution," to determine their own domestic institutions. But the scheme to exclude the people of half the States of this Confederacy by the present population now roaming over that Territory, is in conflict with the whole spirit of the Constitution, and ought not "to receive the sanction of Congress."  
From all the facts disclosed, it appears that the present State organization of California is the mere creature of a Cabinet intrigue, designed to relieve the present Executive from either an approval or a veto of the Wilmot Proviso. I have no hesitation in asserting, that the policy recommended is more obnoxious to the South than the measure it was intended to supersede. The Wilmot Proviso is a bold and open exercise of power by the Congress of the United States, which has the admitted right to legislate for the Territories, subject to the restraints of the Constitution; while the people who have assumed to incorporate the same proviso into the constitution of California have no color of authority to legislate for any purpose or to the most limited extent.  
The several States composing this Confederation acquired an indefeasible title to the Territories of California and New Mexico by the treaty of Guadalupe Hidalgo, the ratifications of which were exchanged on the 30th of May, 1848. The several States, or the people thereof, became joint tenants of this common domain, entitled to equal rights therein, which the Federal Government, as the agent of all, is under the highest obligation to protect. In accordance with this obligation, it devolved on the last Congress to extend over all Territorial governments, which would invite the emigration of American citizens, with their property of every description, from every section of the Union. But the prevailing conflict of opinions and passions was fatal to harmonious action. Congress expired without the exercise of its legitimate authority over the Territories, leaving them subject to the Constitution of the United States, which is "the supreme law of the land," to the treaty of Guadalupe Hidalgo, "made under the authority of the United States;" and to the local laws of the Territory, as they existed at the conclusion of the treaty, regulating the relations of the inhabitants with each other, not in conflict with either the Constitution or the treaty. The termination of the war left a government *de facto* in full operation, competent to administer the laws, until a more effective government could be provided by Congress. Upon that subject, Mr. Buchanan says:  
"In the meantime the condition of the people of California, and the anomalous and irregular part the exercise of great prudence and discretion. By the conclusion of the treaty of peace, the military government which was established over them under the laws of war, as recognized by the practice of all civilized nations, has ceased to derive its authority from this source of power. But there, for this reason, no government in California is *de jure* a liberty, and property under the laws of the United States. This was a singular phenomenon in the face of the world, and especially among American citizens, who are distinguished above all other people for their law-abiding character. Fortunately, they are not required to be so in the face of the world, but the war left an existing government—a government *de facto*—in full operation; and this will continue, with the presumed consent of the people, until Congress shall provide for them a territorial government. The great law of necessity, however, has been the cause of this. The consent of the people is irretrievably inferred from the fact that no civilized community could possibly desire to abrogate an existing government, without alternative presented would be to place themselves in a state of anarchy, beyond the protection of all laws, and reduce them to the unhappy necessity of submitting to the dominion of the strongest."  
This was the condition of California and New Mexico when the present Administration succeeded to office, on the 4th of March last.  
I now proceed to inquire what were the duties of the Executive in relation to these territories? Under our form of government, the President possesses neither legislative nor judicial power. The Constitution distinctly defines the several departments and the appropriate functions of each, vesting in the President powers purely executive:  
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For the purpose of perfecting a complete adjustment of the present difficulty and obtaining a clear acknowledgment of our rights under the Constitution, we contend that the ultimatum of South—the last resort—should be the Missouri Compromise of 36 deg. 30 m. It is so recommended by the Nashville Convention, and we are pleased to see that the suggestion meets with a generally favorable reception by the people of the South. It is true that this is a concession too great to be agreeable to many, but the fact that it has already been agreed to, in former years, and in a similar case, is a far greater argument in favor of this plan of settling the present difficulty than is generally supposed. It has now the force of precedent, and the solemn sanction of a treaty between the two great sections of the Union. It is but a fresh recognition of a principle which is already established, and which formerly received the unqualified assent of the American people. There is no forfeiture of honor on the part of the South in accepting what she has already accepted under similar circumstances, and for the attainment of a similar object.

But not only does the Missouri Compromise come to us sanctioned by the Nashville Convention, but it will, in its adoption, settle the present alarming difficulty, and restore peace and a fraternal feeling between the now opposing sections. Run the line through to the Pacific Ocean, and it can go no farther.

All the territory on one side is ours, to be in the possession, if they choose to settle upon it, of Southern men with their property of every description. No new schemes of injustice—no fresh demands can then be made upon us by the North. "Finality" will be given to the question—the evil of the day—the great hobby of the fanatics—Free Soilism will receive a deadly wound—a perfect *quies*, and the foul spirit of Abolitionism will skulk away derided and despised, from the councils of the Nation. The five bleeding wounds which the Committee of Thirteen have been so long vainly endeavoring to heal, and the "broken arm," which the old doctor in the Washington Republic has so assiduously desired to "set," neglecting the other wounded members, will be made whole in the twinkling of an eye!

In view of the benefits likely to result, we would hesitate long before we disapproved of this plan of settlement, or pronounced it impolitic or unwise on our part to act in reference to its adoption. It is a platform for all to unite upon—it is nothing new—it secures our rights against any further invasion. The Southern States can stand by this for the Union—for it they can stand without the Union. It is truly a position of impregnable strength.

**Willis and Forrest—Legal Proceedings.**

We have already stated, among our law intelligence, that Mr. Willis had commenced legal proceedings against Mr. Forrest, for the assault committed by the latter on the former, in Washington Square, on Monday last, in which the damages are set down at ten thousand dollars, or some other nominal sum between that and a million. Some intimations were held out from some quarters, based principally on the remarks of Mr. Willis before the police, that a duel might grow out of the affair, or at least a journey to Canada, for some such belittling purpose. We perceive, however, that the fashion has changed within the last twenty years, very considerably, in New York, and that men of fashion do not now think of fighting with pistols when they can make war against each other with pettifoggers. Well, it is perhaps as good a course to take as any other.

As far as Mr. Forrest is concerned, we believe he received the intimations of such a suit being commenced against him, with feelings of great delight and satisfaction. On the trial, the unfortunate art will have an opportunity of bringing forward all the evidence in reference to the unhappy difficulties which caused him to proceed to the extremity which he did in Washington Square—an extremity which we by no means justify—which was contrary to law, and cannot be approved of, whatever may be its terrible aggravation, or the agonizing feeling which caused him to adopt such a course. Indeed, this affair between Forrest and the *coterie* of male dandies who were around Mrs. Forrest while he was on professional journeys, will be brought forward, and the whole evidence given to the world, from the beginning to the end—from alpha to omega. Only a portion, and a small portion, of the evidence has yet appeared in the public journals—that which was given to the Legislature of Pennsylvania. Since that time, new, stronger, more powerful, more startling evidence, of a remarkable character, has voluntarily come forth and been furnished to Mr. Forrest, with additional facts, which will, when placed before this or any other community, tend to set the matter in a most important light relative to him as an injured man, and the fashionable scoundrels who trespassed on his grounds, his home, and his house during his periods of absence.

This is, indeed, a lamentable and melancholy affair. We mean not to say a single word calculated to do justice to any one. We have seen much, and read much, and heard much, and we have reason to believe that some of the most astounding revelations will yet come on this community, like a thunder clap, for which few will be prepared, and which few will be able to resist. The spoilers of Edwin Forrest's happiness have been a clique of personages who ought to be scouted, out, denounced, and turned out of decent society in a Christian and moral community. We have had too much of these foreign immoralities, under the name of fashion, introduced into our simple social system on this continent, and it is time for an independent and moral public opinion, sustained by the press, to take ground against any further introduction of fashionable, political, or philosophical socialism, from any part of the Old World.